IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

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WRIT PETITION NO : 12570 of 2004

Between:

Nellimarla Jute Mills Co. Ltd., Nellimarla Viziangaram District.
Rep by its Public Relations Officer, Sri T.V. Satyanaryana Raju.

..... PETITIONER

AND

1 The District Collector, Vizianagaram District at Vizianagaram.
2 The Revenue Divisional Officer, Vizianagaram District at Vizianagaram.
3 The Mandal Revenue Officer, Nellimarla Mandal, Vizianagaram District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the sub-division of Survey No. 45/1 of Nellimarla Village effected in settlement adangal of Nellimarla Village by 3rd respondent as being illegal, arbitrary, without jurisdiction and violative of principles of natural justice and consequently set aside the same.

Counsel for the Petitioner:MR.B.VIJAYSEN REDDY

Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court at the stage of admission made the following ORDER:

In view of the disputing questions of fact with regard to the possession of the petitioner company in Survey No.45/1 of Nellimarla Village, which was sub-divided into six survey numbers,

petitioner company is at liberty to approach the concerned authority by filing an appeal or can seek a declaration before the competent civil Court since this Court in W.P.No.8915 of 2003 already negatived the statement of the petitioner company that it donated Acs. 2-76 Cents in its holding in Survey No.45/1 and 45/2. Therefore, no direction can be issued in favour of the petitioner company to declare the sub-division of survey No.45/1 as illegal and arbitrary. It is always open for the petitioner to disprove the said sub-division after impleading the necessary parties in the appeal or suit.

The writ petition is accordingly dismissed. No costs.

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(A.GOPAL REDDY, J)

20th JULY, 2004.

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To

1 The District Collector, Vizianagaram District at Vizianagaram.
2 The Revenue Divisional Officer, Vizianagaram District at Vizianagaram.
3 The Mandal Revenue Officer, Nellimarla Mandal, Vizianagaram District.

4 Two CCs to the Government Pleader for Revenue, A.P.High Court Buildings, Hyderabad.

5 Two CD copies.